not voting, 1 present and not voting, Mr. President.

PRESIDENT: A sufficient majority having voted in the affirmative, the resolution is declared passed. LB 255 with the emergency clause attached.

CLERK: (Read LB 255 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 255 pass? All those in favor vote aye, opposed vote no. Emergency clause requires 33 votes. Shall it pass with the emergency clause? Please record your vote on LB 255. Please record your vote on LB 255 with the emergency clause. Have you all voted? Have you all voted? The Clerk will record. Senator Kahle.

SENATOR KAHLE: Mr. President, I don't know whether we will get it passed with the emergency clause on it but I'd like to have a chack in and a roll call vote on it.

PRESIDENT: After we announce this vote?

SENATOR KAHLE: Okay, go ahead this is just the...

PRESIDENT: Oh, no, this is the vote with the emergency clause. We are voting on the bill with the emergency clause at the present time.

SENATOR KAHLE: Okay, let's try it without the emergency clause. I don't think it is that important.

CLERK: (Record vote read as found on pages 2348-2349 of the Legislative Journal.) 24 ayes, 21 nays, 4 excused and not voting on passage of the bill with the emergency clause attached, Mr. President.

PRESIDENT: The motion fails. The bill fails to pass with the emergency clause. The question will now be put otherwise. The Chair understands that being an appropriation bill the bill would require 30 votes. All provisions of law relative to procedure having been complied